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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,323	06/24/1999	RICHARD G. HARTMANN	EN998070	8931

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IBM CORPORATION - DEPT. 917
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

EXAMINER
NGUYEN, HAI V

ART UNIT	PAPER NUMBER
2142	24

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 Februaey 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some *. c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the communication received on 05 February

2004.

2.   Claims 1-20 are presented for examination.

Response to Arguments

3.   The amended claims 11-13, and 16 under rejection 35 U.S.C. 101 are

considered and deemed to be persuasive.

4.   Applicant's arguments and amendments received on 05 February 2004 have

been fully considered but they are not deemed fully persuasive. Applicant's arguments

are deemed moot in view of the following new ground(s) of rejection as explained here

below, necessitated by Applicant's substantial amendment (i.e., responsive to said

browser determining from said data file header that said data file data type and size are

in accordance with said request for data, receiving from said browser a GET request,

said browser responsive to *predetermined configuration parameters, consisting only of*

one or both of said data file data type *and* said size, not being in accordance with said

request for data, not issuing said GET request to said server) to the claims which

significantly affected the scope thereof.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Albers et al. (US **6,223,188 B1**) in view of **Ball** et al. (US **6,366,933 B1**).

7.   As to claim 1, Albers, Presentation Of Link Information As An Aid To Hypermedia

Navigation, discloses a method for operating a server responsive to a request for data

from a client browser specifying data type and size, comprising the steps of: receiving

from said browser a HEAD request for the header of a data file *(Albers, col. 1, lines 41-*

67; col. 2, lines 1-51; col. 5, lines 6-54); responsive to said HEAD request, serving to

said browser data file header information including data type and data size *(Albers, col.*

1, lines 41-65; col. 5, lines 6-54); However, Albers does not explicitly disclose

responsive to said browser determining from said data file header that said data file

data type and size are in accordance with said request for data, receiving from said

browser a GET request, said browser responsive to predetermined configuration

parameters, consisting only of one or both of said data file data type and said size, not

being in accordance with said request for data, not issuing said GET request to said

server; and thereafter responsive to said GET request, serving to said browser data

corresponding to said header. Thus, the artisan would have been motivated to look into

the related network arts for potential methods and systems for implementing the

servicing the browser user's requests for resources or objects over the Internet.

In the same field of endeavor, Ball, related Method And Apparatus For Tracking

And Viewing Changes On The Web, discloses in an analogous art internet data access.

Ball discloses the HEAD information provided by httpd (the HTTP server) for the

URL....In addition, there is a threshold associated with each page to determine the

maximum frequency of direct HEAD requests. If the page was visited within the

threshold, or the modification date obtained from the proxy-caching server is current

with respect to the threshold, the page is not checked. The threshold can vary

depending on the URL, with perl pattern matching used to determine what threshold to

apply... (Ball, col. 12, line 2 – col. 13, line 14). Albers also suggests that in the case of

hypermedia documents on the WWW, the system retrieves the information regarding

the data file's size, its file type by performing httpd HEAD request; this request is similar

to the request usually made to retrieve the hypermedia document to which the link

points; however, instead of retrieving the entire hypermedia document, only basic

information stored in the hypermedia document's header is returned; this saves the user

the time and resources that actually downloading the hypermedia file would entail thus

reducing network traffic (Albers, col. 5, lines 24-39). Albers also suggests that if no

information is desired about the audio menu, the user may set several different

parameters to configure the system to provide auditory cues (Fig.9, col. 7, lines 39-51),

and the selections made by user are then implemented or the menu is dismissed

without making the indicated changes in configuration (if any) (Fig. 9, col. 7, lines 52-

60), and the selection process may be controlled by user selection or predefined

parameters, or the system may simply select all links currently displayed (Fig. 10, col. 8,

lines 8-21).

Accordingly, it would have been obvious to one of ordinary skill in the networking

art at the time the invention was made to have incorporated Albers' teachings of using

HEAD request to efficiently provide information on hypermedia links without forcing the

user actually download the information represented by those links *(Albers, col. 2, lines 11-20)* with the teachings of Ball, for the purpose of allowing users to specify lists of documents of interest *(Ball, Abstract, Fig. 13; col. 2, lines 39-45; col. 4, lines 44-51;col. 21, lines 37-50)*. Ball also suggests that *existing GET and POST protocols are used to communicate with specific servers that save versions of documents and provide mark-up versions showing how that have changed. However, if a server runs htmldiff and some perl scripts, it can provide a direct version-control interface and avoid the need to store copies of its HTML documents elsewhere (Ball, col. 21, lines 5-12)* and reducing network traffic and users' time and resources *(Albers, col. 5, lines 24-39)*.

8.   As to claim 2, Albers-Ball discloses a method for operating a client browser for requesting a data file from a server, comprising the steps of: receiving data parameters consisting only of one or both of data type and size from a browser user to establish predefined configuration parameters *(Albers, col. 1, lines 41-67; col. 2, lines 1-51; col. 7, line 39 – col. 8, line 21); and* communicating to said server a HEAD request *(Albers, col. 1, lines 41-67; col. 2, lines 1-51)*; receiving from said server in response to said HEAD request a data file header describing data file parameters including data type and size *(Ball, Figs. 4, 11, items 7,9 ; col. 4, line 62 – col. 5, line 40)*; determining if said data file parameters are within said predefined configuration parameters *(Ball, Abstract, col. 12, line 20 – col. 13, line 14)*; and only if so communicating to said server a GET request requesting said server to serve said data file *(Albers, Figs. 1-10; col. 3, lines 21-67; col. 4, line 1,- col. 7, line 67; col. 8, lines 1-40; Ball, col. 21, lines 24-67)*.

9.   As to claim 3, Albers-Ball discloses said predefined configuration parameters

define the data type size acceptable to said user and wherein said data file parameters

include the data content type and data content size of said data file *(Albers, col. 1, lines*

34-67; col. 2, lines 1-55).

10.   As to claim 4, Albers-Ball discloses said data file comprises a plurality of data

files including one or more inline documents *(Ball, Fig. 3B, 13; Albers, col. 2, lines 20-*

55).

11.   As to claim 5, Albers-Ball discloses each of said plurality of data files is of a type

selected from the set of data file types including image data, video data, audio data, and

text data *(Ball, col. 9, lines 19-26; Albers, col. 14, lines 35-60).*

12.   As to claim 6, Albers-Ball discloses wherein a HEAD request is submitted

separately for each said inline document *(Albers, col. 2, lines 11-55; col. 5, lines 24-54).*

13.   As to claim 7, Albers-Ball discloses wherein said GET request is submitted

selectively only for those inline documents having data parameters within said

predefined configuration parameters *(Ball, Abstract, Figs. 3A, 12; col. 4, lines 45-51; col.*

20, lines 26-53; Albers, Fig. 10; col. 8, lines 8-40).

14.   As to claim 8, Albers-Ball discloses said predefined configuration parameters

include a maximum data size and a minimum data size acceptable to said user *(Albers,*

Figs. 4-10; col. 5, lines 6-67; col. 6, line 1 – col. 7, line 67; col. 8, lines 1-40).

15.   As to claim 9, Albers-Ball discloses, responsive to said data file parameters not

being within said predefined configuration parameters, comprising the further step of

providing to said user the option of modifying said user data parameters *(Albers, Figs. 4-10; col. 5, lines 6-67; col. 6, line 1 – col. 7, line 67; col. 8, lines 1-40).*

16.   As to claim 10, Albers-Ball discloses, responsive to said data file parameters not being within said predefined configuration parameters, comprising the further step of providing to said user the option of requesting a portion of said data file *(Albers, Figs. 4-10; col. 5, lines 6-67; col. 6, line 1 – col. 7, line 67; col. 8, lines 1-40).*

17.   Claims 11, 12 recite a server system corresponding to the method of operations of claim 1. The server system claimed is obvious in that it simply follows the logical implementation of using the method indicated in the referenced claims to implement each of the functional operations of the operating server responsive to a request for data from a client browser, which results from the reference discussed above regarding the claims to the method. Thus the server system described in claims 11, 12 would have been obvious in view of the elements provided in the references that correspond to the steps implemented in the method for the same reason discussed above regarding claim 1.

18.   Claim 13 recites a system (a client browser) corresponding to the method of operations of claim 2. The system claimed is obvious in that it simply follows the logical implementation of using the method indicated in the referenced claims to implement each of the functional operations of the operating client browser for requesting a data file from a server which results from the reference discussed above regarding the claims to the method. Thus the system described in claim 13 would have been obvious in view

of the elements provided in the references that correspond to the steps implemented in the method for the same reason discussed above regarding claim 2.

19.   Claims 14 is corresponding computer readable medium claim of claim 2; it is rejected under the same rationale as in claim 2.

20.   Claims 15 is corresponding article of manufacture claim of claim 2; it is rejected under the same rationale as in claim 2.

21.   Claims 16 is corresponding computer storage medium claim of claim 2; it is rejected under the same rationale as in claim 2.

22.   Claims 17 is corresponding computer readable medium claim of claim 2; it is rejected under the same rationale as in claim 2.

23.   Claims 18, 19 are similar limitations of claims 9, 10; therefore, they are rejected under the same rationale as claims 9, 10.

24.   Claim 20 is similar limitations of claims 3, 4; therefore, it is rejected under the same rationale as claims 3, 4.

Response to Arguments

25.   Applicant's arguments received on 05 February 2004 have been fully considered

but they are not persuasive.

26.   In the remark, Applicant argued in substance that:

(A)   The prior art does not disclose "*a predetermined, user defined*

configuration parameters" in claims 1,2,11-17 (on page 17, 3rd paragraph in

paper # 23).

As to point (A), Albers discloses *that "if no information is desired about the audio*

menu, the user may set several different parameters to configure the system to

provide auditory cues (Albers, Fig.9, col. 7, lines 39-51), and the selections made

by user are then implemented or the menu is dismissed without making the

indicated changes in configuration (if any) Albers, (Fig. 9, col. 7, lines 52-60), and

the selection process may be controlled by user selection or predefined

parameters, or the system may simply select all links currently displayed (Albers,

Fig. 10, col. 8, lines 8-21)".

(B)   The Examiner using Office Notice with "...in order to a Form on the

network" and "...to adjust web display..." in claims 15, 16 (paper # 23, pages 18,

19).

As to point (B), Examiner made error in typing when Office Notice used. The

correction has been made in this Office Action shown above.

Conclusion

27.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
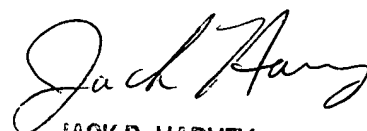
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen
Examiner
Art Unit 2142

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER